

Request for Reconsideration after Final Action

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	77983375
LAW OFFICE ASSIGNED	LAW OFFICE 110
MARK SECTION (no change)	
ARGUMENT(S)	
<p>In an office action issued on December 3, 2012, Examining Attorney requested evidence in support of Applicant's assertion that it has used the ATLANTA CHIEFS mark in a non-ornamental manner in connection with, <i>inter alia</i>, services other than the Class 25 goods in issue, most notably, a professional soccer team in Class 41. Applicant submits herewith evidence reflecting that Applicant has conducted soccer games in honor of the ATLANTA CHIEFS professional soccer team, prominently featuring the ATLANTA CHIEFS mark. See Ex. A hereto. This evidence consists of several pages from Applicant's web site promoting soccer games in honor of the ATLANTA CHIEFS professional soccer team, as well as photos of soccer games held in honor of the ATLANTA CHIEFS professional soccer team that have been posted on Facebook and feature a prominent radio personality and members of the original ATLANTA CHIEFS professional soccer team wearing clothing featuring the ATLANTA CHIEFS mark. See Ex. A hereto.</p> <p>As this evidence shows, the proposed ATLANTA CHIEFS mark is recognized as a mark through its use with services other than clothing, namely, the ATLANTA CHIEFS professional soccer team. In <u>In re Paramount Pictures Corp.</u>, 213 U.S.P.Q. 1111 (TTAB 1982), the Board stated that "[t]he 'ornamentation' of a T-shirt can be of a special nature which is [sic] inherently tells the purchasing public the source of the T-shirt, not the source of manufacture but the secondary source." 213 USPQ at 1112. Thus, the primary significance of the term ATLANTA CHIEFS to a prospective purchaser of clothing displaying the mark is to indicate the professional soccer team, past and present, of the same name. See <u>Id.</u>, see also TMEP 1202.03(c) citing <u>In re Watkins Glen Int'l, Inc.</u>, 227 USPQ 727, 729 (TTAB 1985) (reversing the refusal and finding stylized checkered flag design registrable for patches and clothing items, where applicant had previously registered WATKINS GLEN and checkered flag design (with "WATKINS GLEN" disclaimed) for services); <u>In re Expo '74</u>, 189 USPQ 48, 50 (TTAB 1975) (reversing the refusal and holding EXPO '74 registrable for handkerchiefs and T-shirts, since applicant, organizer of the 1974 World's Fair, had previously registered EXPO '74 for other goods and services).</p> <p>Based on the foregoing, Applicant respectfully submits that the ATLANTA CHIEFS trademark serves a source-identifying function and is accordingly registrable for products signifying the team, including the Class 25 goods in issue.</p>	
EVIDENCE SECTION	

EVIDENCE FILE NAME(S)	
ORIGINAL PDF FILE	evi_3812213190-190127535_.Exhibit_A_Cover_Sheet.pdf
CONVERTED PDF FILE(S) (1 page)	\\TICRS\EXPORT16\IMAGEOUT16\779\833\77983375\xml8\RFR0002.JPG
ORIGINAL PDF FILE	evi_3812213190-190127535_.Announcement_20120810.pdf
CONVERTED PDF FILE(S) (1 page)	\\TICRS\EXPORT16\IMAGEOUT16\779\833\77983375\xml8\RFR0003.JPG
ORIGINAL PDF FILE	evi_3812213190-190127535_.Exploring_The_Legacy.pdf
CONVERTED PDF FILE(S) (2 pages)	\\TICRS\EXPORT16\IMAGEOUT16\779\833\77983375\xml8\RFR0004.JPG
	\\TICRS\EXPORT16\IMAGEOUT16\779\833\77983375\xml8\RFR0005.JPG
ORIGINAL PDF FILE	evi_3812213190-190127535_.Where_It_All_Started.pdf
CONVERTED PDF FILE(S) (2 pages)	\\TICRS\EXPORT16\IMAGEOUT16\779\833\77983375\xml8\RFR0006.JPG
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CONVERTED PDF FILE(S) (1 page)	\\TICRS\EXPORT16\IMAGEOUT16\779\833\77983375\xml8\RFR0010.JPG
DESCRIPTION OF EVIDENCE FILE	Web pages promoting and recapping Atlanta Chiefs legacy night event
SIGNATURE SECTION	
RESPONSE SIGNATURE	/Patchen M. Haggerty/
SIGNATORY'S NAME	Patchen M. Haggerty
SIGNATORY'S POSITION	Associate of Attorney of Record, WA and OR state bar member
SIGNATORY'S PHONE	206.903.8839

NUMBER	
DATE SIGNED	06/03/2013
AUTHORIZED SIGNATORY	YES
CONCURRENT APPEAL NOTICE FILED	YES
FILING INFORMATION SECTION	
SUBMIT DATE	Mon Jun 03 19:52:23 EDT 2013
TEAS STAMP	USPTO/RFR-38.122.13.190-2 0130603195223699243-77983 375-500383a276c80c0f825fb 5b984a437f25320938e69ad8f f0b7dd3ba69514c284-N/A-N/ A-20130603190127535439

Request for Reconsideration after Final Action To the Commissioner for Trademarks:

Application serial no. **77983375** has been amended as follows:

ARGUMENT(S)

In response to the substantive refusal(s), please note the following:

In an office action issued on December 3, 2012, Examining Attorney requested evidence in support of Applicant's assertion that it has used the ATLANTA CHIEFS mark in a non-ornamental manner in connection with, *inter alia*, services other than the Class 25 goods in issue, most notably, a professional soccer team in Class 41. Applicant submits herewith evidence reflecting that Applicant has conducted soccer games in honor of the ATLANTA CHIEFS professional soccer team, prominently featuring the ATLANTA CHIEFS mark. See Ex. A hereto. This evidence consists of several pages from Applicant's web site promoting soccer games in honor of the ATLANTA CHIEFS professional soccer team, as well as photos of soccer games held in honor of the ATLANTA CHIEFS professional soccer team that have been posted on Facebook and feature a prominent radio personality and members of the original ATLANTA CHIEFS professional soccer team wearing clothing featuring the ATLANTA CHIEFS mark. See Ex. A hereto.

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Based on the foregoing, Applicant respectfully submits that the ATLANTA CHIEFS trademark serves a source-identifying function and is accordingly registrable for products signifying the team, including the Class 25 goods in issue.

EVIDENCE

Evidence in the nature of Web pages promoting and recapping Atlanta Chiefs legacy night event has been attached.

Original PDF file:

[evi_3812213190-190127535_.Exhibit_A_Cover_Sheet.pdf](#)

Converted PDF file(s) (1 page)

[Evidence-1](#)

Original PDF file:

[evi_3812213190-190127535_.Announcement_20120810.pdf](#)

Converted PDF file(s) (1 page)

[Evidence-1](#)

Original PDF file:

[evi_3812213190-190127535_.Exploring_The_Legacy.pdf](#)

Converted PDF file(s) (2 pages)

[Evidence-1](#)

[Evidence-2](#)

Original PDF file:

[evi_3812213190-190127535_.Where_It_All_Started.pdf](#)

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[Evidence-1](#)

[Evidence-2](#)

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Original PDF file:

[evi_1-3812213190-190127535_.Facebook_3.pdf](#)

Converted PDF file(s) (1 page)

[Evidence-1](#)

SIGNATURE(S)**Request for Reconsideration Signature**

Signature: /Patchen M. Haggerty/ Date: 06/03/2013

Signatory's Name: Patchen M. Haggerty

Signatory's Position: Associate of Attorney of Record, WA and OR state bar member

Signatory's Phone Number: 206.903.8839

The signatory has confirmed that he/she is an attorney who is a member in good standing of the bar of the highest court of a U.S. state, which includes the District of Columbia, Puerto Rico, and other federal territories and possessions; and he/she is currently the applicant's attorney or an associate thereof; and to the best of his/her knowledge, if prior to his/her appointment another U.S. attorney or a Canadian attorney/agent not currently associated with his/her company/firm previously represented the applicant in this matter: (1) the applicant has filed or is concurrently filing a signed revocation of or substitute power of attorney with the USPTO; (2) the USPTO has granted the request of the prior representative to withdraw; (3) the applicant has filed a power of attorney appointing him/her in this matter; or (4) the applicant's appointed U.S. attorney or Canadian attorney/agent has filed a power of attorney appointing him/her as an associate attorney in this matter.

The applicant is filing a Notice of Appeal in conjunction with this Request for Reconsideration.

Serial Number: 77983375

Internet Transmission Date: Mon Jun 03 19:52:23 EDT 2013

TEAS Stamp: USPTO/RFR-38.122.13.190-2013060319522369

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EXHIBIT A



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Chiefs Legacy Night Set For August 25

Friday, August 10, 2012 Author: Neal Malone

The Atlanta Silverbacks will host Chiefs Legacy Night as their gameday promotion for the team's matchup with the Carolina RailHawks on August 25, the club announced Friday.

The night will celebrate the history of the city's first professional soccer team, the Atlanta Chiefs. The Chiefs, founding members of the original North American Soccer League (NASL), took home the league's first ever title in its inaugural year in 1968.



"I love the Atlanta Chiefs. Some of my fondest memories were of Branko Radovic coming to my high school games and giving me pointers, playing one-on-one against Mark McKain for hours in college, and then playing indoor with Mike Balson in the Mitre US indoor amateur finals and outdoor with Graham Tutt and Adrian Brooks in the local Atlanta amateur leagues. I also remember when the Chiefs played my high school alumni team to raise money and Terry Cecil (Dick Cecil's son) did a bicycle kick that was blocked by David Byrne. My brother's favorite coach growing up was David Chadwick and he still has a picture in his office of him sitting on Jomo Sono's knee when he was 9 years old," said Silverbacks Chairman Boris Jerkunica. "The Chiefs had a huge impact on me growing up and my involvement in Atlanta professional soccer is completely a result of my experience with the Chiefs players, coaches and staff."

As one way of bringing back the nostalgia of the team's existence over 40 years ago, the Silverbacks will be offering 1970s pricing on tickets, with the three main stadium sections going for \$4, \$6, and \$8 per ticket.

Leading up to the game, the Silverbacks will share old photos, items, and stories from the Chiefs era on

SILVERBACKS

to take part in the on-field activities.

The game will kick off at 7:30 p.m. on August 25 at Atlanta Silverbacks Park. To purchase tickets, call 404-969-4900 or visit atlantasilverbacks.com.

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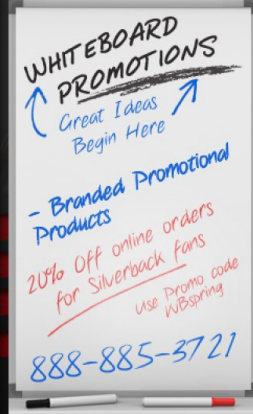
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NORTH AMERICAN SOCCER LEAGUE

News

Exploring The Legacy: Adrian Brooks

Posted on Mon, Aug 20, 2012

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To kick off our Atlanta Chiefs web series this week, atlantasilverbacks.com caught up with former Chiefs midfielder Adrian Brooks, who will be one of the men honored at halftime on Atlanta Chiefs Legacy Night this Saturday.

1. When were you involved with the Atlanta Chiefs? Were you a player or coach?

"The Chiefs selected me with the #1 overall pick in the 1978 NASL Draft. I played for the Chiefs as a midfielder from 1978 -1980, wearing jersey number 16."

2. Where are you originally from?

"The United Kingdom."

3. When you were with the Chiefs, where in Atlanta did you play your games?

"We initially played at Fulton County Stadium, and then when we began playing indoor soccer, the team played at the Omni Coliseum downtown."

4. What were the highlights of your Chiefs career on and off the field?

"On the field, it was playing against the New York Cosmos and all of their stars. My highlight off the field was being able to promote soccer at a grassroots level."

5. What made the Chiefs organization special?

"The organization had a great front office staff, headed up by Dick Cecil, who was the Vice President of the Atlanta Braves."

6. As a league, what was the original NASL like?

"The standard of play was great, and the league was home to some exceptional players."

7. How much support did the team receive from the city of Atlanta and its soccer fans?

"It was great. There was a very hardcore group of soccer fans that were really into promoting the game in America."

8. What makes Atlanta a special place to play/coach professional sports?

"The city always has a friendly atmosphere to it, and all of their sports teams are first class organizations."

9. What are you up to now?

"I'm currently a Key Account Manager for Adidas, and I live in Peachtree City with my wife, Donna, and my two boys, Bailey (9) and Carson (17). I met Donna while playing for the Chiefs."

10. What does it mean to you that the Silverbacks are hosting Atlanta Chiefs Legacy Night to honor the history of the organization and its players and coaches?

"Boris [Jerkunica] was part of the Chiefs legacy as he watched, played and coached against most of the Atlanta Chiefs. I very much appreciate his efforts to acknowledge the history of soccer here in Atlanta. It's a very nice touch!"

More Headlines

Scorpions Defender Blake Wagner Named Player of Week 9

Silverbacks Stay Top After Rowdies Draw In Edmonton

FC Edmonton 0 Tampa Bay Rowdies 0

Scorpions And Strikers Create Upsets To Stay In The Hunt

San Antonio Scorpions 2 Minnesota United FC 0

Fort Lauderdale Strikers 1 Carolina RailHawks 1

Match Preview: FC Edmonton vs. Tampa Bay Rowdies

Where To Watch In Week 9

Match Preview: San Antonio Scorpions vs. Minnesota United FC

Match Preview: Fort Lauderdale Strikers vs. Carolina RailHawks

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Standings

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Atlanta Silverbacks	7	4	1	2	2	13
Carolina RailHawks	7	3	3	1	4	12
Tampa Bay Rowdies	8	3	3	2	2	12
Minnesota United FC	8	3	2	3	0	11
FC Edmonton	8	2	3	3	0	9
San Antonio Scorpions	8	2	2	4	-3	8
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News

Where It All Started

Posted on Mon, Oct 15, 2012

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In early September, the Atlanta Silverbacks launched their "Decision 2012" campaign, allowing fans and others in the community to vote on the team's name for the future. The campaign gives fans a unique amount of power not seen often in professional sports, but it also brings light to a pair of brands that have helped mold the sport of soccer here in Atlanta. Starting today and running throughout the remainder of the campaign, atlantasilverbacks.com will highlight stories related to the Chiefs and Silverbacks brands, providing voters and those involved in the campaign with insight and history. In Part I of the series, we examine the Atlanta Chiefs' impact on the growth and development of soccer in Georgia.

It has been over 30 years since the Atlanta Chiefs have kicked a soccer ball in an organized professional game – a period of time that has unfortunately led to the iconic brand fading into the depths of the city's professional sports history. Today's soccer discussions in Atlanta revolve around giant youth clubs, the development of more facilities, and the ever-present desire for top-flight professional soccer. Only once in awhile do the discussions involve the Chiefs.

The ironic part about omitting the Chiefs from the city's soccer conversation is that much of what you see within the sport today can be owed entirely to the efforts of Atlanta's original NASL franchise. The Chiefs organization was the face of the early soccer movement in Atlanta, organizing clinics, helping build youth clubs, and using their players to promote the sport and increase participation in the community.

Rewind back to 1966 when Dick Cecil, then the Vice President of the Atlanta Braves, decided to bring a professional soccer franchise to the city following his visit to the FIFA World Cup in England. Some considered it a risk, but like a true pioneer, Cecil moved forward, committing himself and his organization to the growth of the sport in Atlanta.

At the time, soccer was primarily a European sport, and something the city of Atlanta wasn't particularly familiar with. "Soccer wasn't very widespread at all – it was only being played in a few areas of the city," said former Chiefs defender Alan Hamlyn, who spent three seasons with the club from 1971-1973. "Even then, it was mainly recreational and largely undeveloped."

With the interest level and participation numbers low, Cecil seemingly saw only one option when it came to spreading the sport – be everywhere. If it meant using each of his players three times a week for appearances or free clinics, then that's what he did. The Chiefs were in schools, parks, recreational facilities, shopping malls, and even bars. Former Chiefs defender Mark MacKain fondly remembers a juggling contest between players at a bar event.

"It was dimly lit, there was smoke everywhere, but everybody had a blast," MacKain said. "It was really just about getting out there in the community and being seen."

While bar events captured older crowds, most of the organization's outreach focused on the youth. Whether it was organizing free community clinics that taught simple foot skills or serving as volunteer coaches for local recreational teams, the players were often times just as busy with events in the community as they were with their actual jobs on the field.

"We even handed out our game schedules to everyone, and invited them personally to our games," said former Chiefs goalkeeper Graham Tutt. "The impact was huge because you would see these people turn up at our games and cheer us on – many of them even became good friends of ours."

Translating community contact into fan attendance was always the goal for Cecil, and the Chiefs achieved that with such an incredible commitment to promoting the sport off the field.

"It was very simple – we realized that if there were no fans, we would not have a job," Tutt said. "Plus, we truly enjoyed interacting with the kids and parents at player appearances because they were so much fun."

The Chiefs unfortunately folded after the 1981 season when co-owner Ted Turner had to make a tough decision between keeping the team around or focusing his financial resources on the Braves. The Chiefs' impact on Atlanta and its development of soccer was only just beginning, however.

Tutt, MacKain, and several other Chiefs players continued to serve the community and grow the sport through coaching. Others like Adrian Brooks opened soccer stores. For MacKain, the impact the former Chiefs were able to have on the development of players and the improvement of equipment and facilities in Atlanta isn't even measurable.

"I don't know that we could even begin to repay some of these guys for all of the work they have put in," MacKain said. "Someone like Dick Cecil – he was so much more than a businessman running a soccer team. He was involved at every level, and his passion for the game rubbed off on everyone."

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From an inside perspective, it's easy to see how engrained the Chiefs were in the community, but what about the thoughts of someone not directly involved with the organization?

Rick Skirvin, currently the Executive Director of Georgia Soccer, the state's governing body, fondly remembers the Chiefs' involvement in the sport back in the early days.

"With the original Chiefs, they did everything from organizing teams to coaching youth players to playing scrimmages against local amateur all-star teams," Skirvin said. "They were the major instrument in soccer becoming organized in Georgia."

Skirvin echoed that there was virtually no youth soccer when the Chiefs were founded in 1967, and by the late 70s and early 80s, it began to really take off. Instead of playing recreationally within associations, clubs began to compete against each other. Training became more organized and specialized, and the level of play continued to improve with time.

So one simple question remains. To what degree does Atlanta owe the current state of its sport to the Chiefs?

"If not for the Chiefs, it may have been years before organized soccer got off the ground – particularly youth soccer," Skirvin said. "The sport has since quadrupled in participants, and soccer is now being taken much more seriously by the Atlanta sports community."

Hamlyn agrees, noting that "everybody knows what soccer is now, and participation by both boys and girls is massive across all ages and skill levels."

This past August, the Atlanta Silverbacks hosted Atlanta Chiefs Legacy Night as one of their gameday promotions. It was the first time in years that the Chiefs were recognized for the trail that they blazed. Former players were honored, old stories were shared, and new generations learned about the rich history of their sport in Atlanta – a history that the Silverbacks will continue to develop as time goes on.

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San Antonio Scorpions
Tampa Bay Rowdies
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Atlanta Chiefs Legacy Night is just over a week away! Here is some more old video footage as we prepare to honor the history of Atlanta's first pro soccer team:
<http://www.youtube.com/watch?v=aWvVF5GfF84>



1971 NASL Finals Highlights
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Footage from the 1971 final between Dallas Tornado and Atlanta Chiefs

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